



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

August 10, 2021

**VIA ECF**

Hon. Ronnie Abrams  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Application granted. The initial  
pretrial conference is hereby adjourned  
until December 3, 2021 at 12:00 p.m.

SO ORDERED.

Hon. Ronnie Abrams  
August 11, 2021

Re: *Tovar Mancera v. Renaud*, No. 21 Civ. 5698 (RA)

Dear Judge Abrams:

This Office represents the government in the above-referenced mandamus action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate his Petition for Alien Entrepreneur (“Form I-526”). The Court has scheduled an initial pretrial conference in this matter for September 3, 2021 at 10:00 a.m., for which pre-conference submissions are due August 27, 2021. *See* ECF No. 8. Having conferred, the parties agree that service was effectuated on July 13, 2021, and thus the government’s response to the complaint is due September 14, 2021. I write respectfully, with plaintiff’s consent, to request a 60-day extension of the deadline for the government’s response, until November 15, 2021. If the Court grants the requested extension, I further respectfully request that the initial conference be adjourned until at least two weeks after the requested response date, *i.e.*, on or after November 29, 2021. This is the government’s first request for an extension of time to respond to the complaint and first request for an adjournment of the initial pretrial conference.

The 60-day extension is requested because plaintiff’s I-526 petition is based on an investment in an EB-5 Immigrant Investor Regional Center Program (“Regional Center Program”), and Congress has not extended the statutory authorization related to the Regional Center Program, which expired at the end of the day on June 30, 2021. Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Pub. L. No. 102-395, 106 Stat. 1828 (1992), as amended (“the Regional Center statute”); Div. O, Title I, Sec. 104 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (2020).

The requested extension will allow the parties time to monitor whether Congress will renew the statutory authorization related to the Regional Center Program and to assess the impact of such reauthorization (or lack thereof) on this litigation. Should Congress renew the statutory authorization related to the Regional Center Program prior to the proposed extended date for the government’s response, the government will promptly notify the Court.

Accordingly, I respectfully request that the Court extend the government’s deadline to file a response to the complaint until November 15, 2021. In addition, I respectfully request that the Court adjourn the initial pretrial conference to a date on or after November 29, 2021.

I thank the Court for its consideration of these requests.

Respectfully submitted,

AUDREY STRAUSS  
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Southern District of New York

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cc: Counsel of Record (via ECF)